

12071. Adulteration and misbranding of extract of vanilla. U. S. v. Anthony W. Schwane (A. W. Schwane & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 17800. I. S. No. 9627-v.)

On January 22, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony W. Schwane, trading as A. W. Schwane & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 25, 1922, from the State of Illinois into the State of Iowa, of a quantity of extract of vanilla which was adulterated and misbranded. The article was labeled in part: "Azie The Superb Extract Extract Of Pure Vanilla * * * A. W. Schwane & Co. Chicago, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution of vanillin, artificially colored with caramel.

Adulteration of the article was alleged in the information for the reason that an imitation product, artificially colored, had been substituted for extract of pure vanilla, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to extract of pure vanilla, to wit, an imitation product, which was artificially colored so as to simulate the appearance of extract of pure vanilla and in a manner whereby its inferiority to said extract of pure vanilla was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Extract Of Pure Vanilla," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was extract of pure vanilla, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extract of pure vanilla, whereas, in truth and in fact, it was not but was an imitation product, artificially colored. Misbranding was alleged for the further reason that the article was an artificially colored product, prepared in imitation of extract of pure vanilla, and was offered for sale and sold under the distinctive name of another article, to wit, extract of pure vanilla.

On January 30, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12072. Adulteration of canned salmon. U. S. v. 600 Cases of Canned Salmon. Product ordered released under bond to be sorted. Good portion released to claimant and bad portion destroyed. (F. & D. No. 18116. I. S. No. 8406-v. S. No. W-1451.)

On November 24, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of canned salmon, at Astoria, Oreg., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., in part on or about November 16 and in part on or about November 17, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Columbia River Chum * * * Salmon Packed By Brookfield Packing Co. Brookfield, Washington Woody Island Brand * * * Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid salmon had been substituted for normal salmon of good commercial quality.

On December 18, 1923, the product having theretofore been released to the claimant, J. G. Megler & Co., under bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be sorted and the bad portion destroyed, and it having appeared that the product had been sorted under the supervision of this department and the bad portion destroyed, it was ordered by the court that the good portion be delivered to the said claimant, and that upon payment of the costs of the proceedings the bond be exonerated.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12073. Adulteration of canned salmon. U. S. v. 135 Cases of Canned Salmon. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 17851. I. S. No. 20678-v. S. No. W-1424.)

On October 8, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cases of canned salmon, at Seattle, Wash., alleging that the article had been shipped by the Northwestern Fisheries Co., from Nushagak, Alaska, September 4, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1923, the Booth Fisheries Co., Inc., claimant, having by stipulation agreed to destroy the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by dumping it into Puget Sound, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12074. Adulteration and misbranding of cottonseed meal. U. S. v. 212 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18143. I. S. No. 2798-v. S. No. E-4633.)

On December 7, 1923, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 212 sacks of cottonseed meal, at Newark, Del., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 12, 1923, and transported from the State of North Carolina into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal * * * Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein * * * 41.00% Equivalent to Ammonia 8.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in ammonia (protein) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged in substance for the reason that the labeling contained the statement, to wit, "Perfection Cotton Seed Meal * * * Guarantee Protein * * * 41.00% Equivalent [to] Ammonia 8.00%," which statement was false and misleading in that the said article was cottonseed meal with which had been mixed and packed a substance low in ammonia. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Perfection Cotton Seed Meal."

On January 25, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and the claimant having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12075. Misbranding of Foster's backache kidney pills. U. S. v. 56 Dozen Bottles, et al., of Foster's Backache Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18025, 18106, 18107, 18108, 18109, 18110, 18111. S. Nos. E-4587, E-4596, E-4597, E-4598, E-4599, E-4600, E-4601.)

On or about November 19, 22, and 23, 1923, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 360 dozen bottles of Foster's backache kidney pills, in various lots at Mayaguez, San Juan, and Ponce, P. R., respectively, alleging that the greater portion of the said article had been shipped by various consignors, namely, the Porto Rico Drug Co. and Charles Huisking, respectively, from New York, N. Y., and the Foster-McClellan Co., from Buffalo, N. Y., between the dates of March 30 and October 17, 1923, and that all of the said article was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of potassium nitrate, rosin, fenugreek,